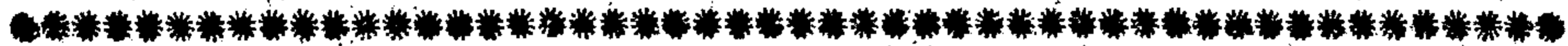




ANNO QUINQUAGESIMO

GEORGI II. REGIS.



Cap. 24.

An Act to enable the Company of Proprietors of the *Ellesmere* Canal to extend the *Whitchurch* Line of the said Canal from *Sherryman's Bridge* to *Castle Well*, in the Town of *Whitchurch*, in the County of *Salop*; and for amending the several Acts for making the said Canal. [6th April 1810.]

WHEREAS by an Act made in the Thirty-third Year of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from the River Severn at Shrewsbury, in the County of Salop, to the River Mersey, at or near Netherpool in the County of Chester, and also for making and maintaining certain collateral Cuts from the said intended Canal*, certain Persons therein named, together with such other Persons, Bodies Politick, Corporate or Collegiate, as should be nominated and appointed in Manner therein mentioned, were united into one Body Corporate by the Name and Style of *The Company of Proprietors of the Ellesmere Canal*, and were authorized and empowered to make, complete, and maintain a Canal navigable and passable for Boats, Barges, and other Vessels, from and out of the River *Severn*, within the Liberties of the Town of *Shrewsbury* in the County of *Salop*, to unite with the River *Mersey* at or near *Netherpool* in the County of *Chester*; and also to make, complete, and maintain several collateral navigable Cuts to branch from and out of the said Canal, as in the said Act mentioned: And whereas by an Act made in the Thirty-sixth Year of the Reign of His present Majesty, intituled, *An Act to explain and amend an Act passed in the Thirty-third Year of His present Majesty, intituled, An Act for making and maintaining a Navigable Canal from the River Severn at Shrewsbury, in the County of Salop, to the River Mersey, at or near*

[Loc. & Per.] 6 E. Netherpool,

33 G. 3. c. 9.
36 G. 3. c. 71.

' Netherpool in the County of Chester, and also for making and maintaining
 ' certain collateral Cuts from the said intended Canal, and for varying and
 ' altering certain Parts of the Whitchurch Line of the said Canals and
 ' collateral Cuts, and for extending the same from Franckton Common to
 ' Sherryman's Bridge, in the Parish of Whitchurch in the said County of
 ' Salop, and for making and maintaining several other Branches and colla-
 ' teral Cuts to communicate therewith, the said Company of Proprietors were
 authorized to vary and alter the Line of the said Canals and Cuts between
 Franckton Common and Whitchurch in the same Act mentioned, and to make,
 extend, and maintain several new Branches to communicate therewith; and
 the Powers given by the said recited Act of the Thirty-third Year of the Reign
 of His present Majesty were by the said Act of the Thirty-sixth Year of the
 Reign of His present Majesty varied, enlarged, and amended in such Man-
 ner as therein mentioned: And whereas by a certain other Act made in the
 36G. 3. c. 96. said Thirty-sixth Year of the Reign of His present Majesty, intituled, *An
 Act to explain and amend an Act passed in the Thirty-third Year of the Reign
 of His present Majesty, intituled, ' An Act for making and maintaining a
 ' Navigable Canal from the River Severn at Shrewsbury, in the County of
 ' Salop, to the River Mersey, at or near Netherpool in the County of
 ' Chester, and also for making and maintaining certain collateral Cuts from
 ' the said intended Canal, and for varying and altering certain Parts of the
 ' Course of the said Canal and collateral Cuts between Ruabon and Chester,
 ' and for extending the same, and for making and maintaining several other
 ' Branches and collateral Cuts to communicate therewith,* the said Company
 of Proprietors of the said Ellesmere Canal were authorized and empowered
 to vary the Line of the said Canal and Cuts between Ruabon and the City
 of Chester in the said Act mentioned, and to make, extend, and maintain
 several new Branches to communicate therewith; and the Powers given
 by the said herein-before recited Acts of the Thirty-third and Thirty-sixth
 Years of the Reign of His present Majesty were, by the said Act of the
 Thirty-sixth Year of the Reign of His present Majesty now in recital,
 extended, varied, enlarged, and amended in such Manner as therein men-
 41G. 3. c. 70. tioned: And whereas by an Act made in the Forty-first Year of the Reign
 of His present Majesty, intituled, *An Act to authorize the Company of Pro-
 prietors of the Ellesmere Canal to extend the said Canal from the Whit-
 church Branch thereof, at or near certain Water Corn Mills called the New
 Mills, in the Parish of Whitchurch in the County of Salop, to and to com-
 municate with the Chester Canal in the Township of Stoke, in the Parish of
 Acton in the County of Chester, and for altering and amending the several
 Acts passed for making and maintaining the said Ellesmere Canal,* the said
 Company of Proprietors of the said Ellesmere Canal were authorized and
 empowered to make and maintain a new Branch from the said Whitchurch
 Branch of the said Ellesmere Canal, at or from the Place where the same
 was intended to pass, at or near certain Water Corn Mills called *The New
 Mills* in the Parish of Whitchurch in the County of Salop, to and to com-
 municate with the said Chester Canal in the Township of Stoke, in the Parish
 of Acton in the County of Chester; and the Powers given by the said
 recited Act of the Thirty-third Year of the Reign of His present Majesty,
 and the said Two several Acts of the Thirty-sixth Year of the Reign of
 His present Majesty, were, by the said Act of the Forty-first Year of the
 Reign of His present Majesty, extended to the said additional Branch of
 the said Canal by the said last-mentioned Act authorized to be made,
 42G. 3. c. 20. maintained, and executed: And whereas by an Act passed in the Forty-
 second Year of the Reign of His present Majesty, intituled, *An Act for*
repealing

repealing so much of an Act passed in the Thirty-third Year of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from the River Severn at Shrewsbury in the County of Salop, to the River Mersey at or near Netherpool in the County of Chester, and also for making and maintaining certain collateral Cuts from the said intended Canal,* as restrains the Company of Proprietors of the said Canal from taking Tonnage on Coals, Coak, Culm, Lime, or Limestone, upon a Part of the said Canal; and for authorizing the said Company of Proprietors to raise a Sum of Money to make up the Amount of their original Subscriptions, and for further amending the several Acts passed relative to the making of the said Canal, a certain Clause of Exemption contained in the said recited Act of the Thirty-third Year of the Reign of His present Majesty, whereby the said Company of Proprietors were restrained from taking Tonnage upon Coals, Coak, Culm, Lime, or Limestone, conveyed along a certain Part of the said Canal lying between *Pontcysylltee* and the upper End of the *Cegedog* Valley near *Brymbo* in the County of *Denbigh*, was repealed, and the said Company of Proprietors were authorized and empowered to raise such further Sums of Money by such Ways and Means as therein mentioned; and the Powers and Provisions contained in the said several recited Acts of the Thirty-third, Thirty-sixth, and Forty-first Years of the Reign of His present Majesty, were, by the said Act of the Forty-second Year of the Reign of His present Majesty, varied, enlarged, and amended, in such Manner as therein mentioned: And whereas by an Act passed in the Forty-fourth Year of the Reign of His present Majesty, intituled, *An Act to enable the Company of Proprietors of the Ellesmere Canal to make a Railway from Ruabon Brook to the Ellesmere Canal, at or near the Aqueduct at Pontcysylltee in the Parish of Llangollen in the County of Denbigh, and also to make several Cuts or Feeders for better supplying the said Canal with Water,* the Powers and Provisions in the said several recited Acts of the Thirty-third, Thirty-sixth, Forty-first, and Forty-second Years of the Reign of His present Majesty, were, by the said Act of the Forty-fourth Year of the Reign of His present Majesty, varied, enlarged, and amended, in such Manner as therein mentioned: And whereas the said Company of Proprietors of the said *Ellesmere* Canal have, in pursuance of the Powers given to them by the before-mentioned Acts, carried and completed the said *Whitchurch* Line or Branch of the said Canal within a short Distance of *Sherryman's Bridge* aforesaid: And whereas it will be greatly for the Benefit and Advantage of the said Company of Proprietors to extend the said *Whitchurch* Line of the said Canal from *Sherryman's Bridge* aforesaid to or near a certain Place called *The Castle Well* in the said Parish of *Whitchurch*, and near to *Watergate Street* in the Town of *Whitchurch* aforesaid, as the Trade and Interest of the said Town of *Whitchurch* and the Neighbourhood thereof will be thereby greatly increased and promoted; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Company of Proprietors shall be and are hereby authorized and empowered, from and immediately after the passing of this Act, to make, extend, and maintain the said *Whitchurch* Line of the said *Ellesmere* Canal navigable and passable for Boats, Barges, and other Vessels from *Sherryman's Bridge* aforesaid to or near a certain Place called *The Castle Well* in the said Parish of *Whitchurch*.

44 G. 3. c. 54.

Power to extend the Canal from Sherryman's Bridge to the Castle Well in Whitchurch.

Whitchurch and near to *Watergate Street*, in the Town of *Whitchurch* aforesaid; and also to make and maintain a Dock or Basin at the Termination of the said Extension of the said *Whitchurch* Line of the said Canal, at or near *Castle Well* aforesaid, Eighty Feet Square clear within, for the Reception of Boats, Barges, and other Vessels navigated on the said Canal; and also to make and maintain a Quay of the Width of Thirty Feet round the said Dock or Basin for the loading and unloading of Goods, Wares, and other Merchandize; and that no Warehouse or other Buildings shall be erected within the Distance of Thirty Feet from the said Dock or Basin; which said Extension, Dock, or Basin and Quay, are intended to pass or be made in the Parish of *Whitchurch* aforesaid, and in the several Townships of *Whitchurch* and *Dodington*, in the said Parish of *Whitchurch*, in the said County of *Salop*; and the said Company of Proprietors of the said *Ellesmere* Canal, their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized and empowered to make, erect, execute, do, and perform all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, and maintaining the said Extension of the said Canal, Dock, or Basin and Quay, hereby authorized to be made, and the Navigation thereof, and for opening Ways and Communications thereto, and for supplying the same with Water, and shall have, use, exercise, and enjoy the like Ways, Powers, Passages, and Authorities, upon and in respect of the Lands through or upon which the said Extension Dock, or Basin and Quay, shall be made, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as the said Company of Proprietors are authorized and empowered to do, execute, perform, use, and enjoy, under and by virtue of the said several herein-before recited Acts of the Thirty-third, Thirty-sixth, Forty-first, Forty-second, and Forty-fourth Years of the Reign of His present Majesty, or any of them, in respect of the said Canal and collateral Cuts, and the several Works hereby authorized to be made, or any of them (except where the same are abridged or altered by this Act); and the said Company, their Agents, Servants, Workmen, and Labourers, and the Commissioners appointed by virtue of the same Acts, and all Bodies Politick, Corporate and Collegiate, Corporations Aggregate and Sole, Husbands, Guardians, Trustees, and Feoffees in Trust for Charitable and other Purposes, Committees, Executors, and Administrators, and all and every other Trustees, Person and Persons whomsoever, shall have and be seized, possessed of, and is and are hereby invested with such and the like Estates, Authorities, Powers, Abilities, Interests, Privileges, and Advantages, and shall be and is and are hereby made subject and liable to such and the like Rates, Taxes, Compensations for Tythes, Rules, Conditions, Directions, Regulations, Limitations, Restrictions, Controuls, Payments, Penalties, Forfeitures, Punishments, and Benefits of Appeal in relation to the making, Execution, Completion, and Government of the said Extension of the said *Whitchurch* Line of the said *Ellesmere* Canal, Dock, Basin, and Quay, by this Act authorized to be made, completed, and maintained, as are mentioned, given, granted, and prescribed, established, and directed to be inflicted in and by the said several herein-before recited Acts of the Thirty-third, Thirty-sixth, Forty-first, Forty-second, and Forty-fourth Years of the Reign of His present Majesty, or either or any of them, to every Intent and Purpose whatsoever, except as before excepted.

Extending
the Powers
of the said

II. And be it further enacted, That the said several recited Acts, and all the Clauses, Powers, Provisoos, Authorities, Orders, Rules, Regulations,

tions, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things therein contained, for making, completing, repairing, preserving, and maintaining the Canal and collateral Cuts, and other Works thereby authorized to be made, shall, so far as the Nature and Circumstances of the Case will admit, extend and are hereby extended to and shall take Effect, operate, and be put in Execution, and shall be used and exercised by the said Company of Proprietors, and shall be applied and enforced in, by, and for and in respect of the making, completing, repairing, preserving, maintaining, and using the said Extension of the *Whitchurch* Line of the said *Ellesmere* Canal to or near *Castle Well* aforesaid, the said Basin, Dock, and Quay, and the several Works, Matters, and Things by this Act authorized to be made, done, and performed, and for the Punishment of Offences in relation thereto, and for the selling and conveying of Lands, Tenements, and Hereditaments, and ascertaining the Value thereof, and for the determining and assessing of Damages, and all other Matters and Things which shall relate thereto or happen or arise by or in consequence of the making, completing, repairing, maintaining, and using the said Extension of the said Canal, and the other Works hereby authorized to be made, done, and executed, and shall also be used and exercised by the Owners and Proprietors of Lands, Mines, and Hereditaments, lying near to the said Extension of the said Canal hereby authorized to be made (except where the same respectively shall be abridged or lessened by this Act); and that the same Persons who are appointed Commissioners in relation to the putting the said recited Act of the Thirty-third Year of the Reign of His present Majesty into Execution shall be Commissioners for the Purposes of this Act, in the same Manner, and as fully and effectually to all Intents and Purposes, as if the several Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things contained in the said several recited Acts were herein repeated and re-enacted, and as if the said Extension of the said Canal, and the other Works by this Act authorized to be made, completed, and maintained, had been Part of the said Canal, collateral Cuts, and other Works by the said several recited Acts, or any of them, authorized to be made, completed, and maintained, but subject nevertheless to the Amendments and Alterations herein contained, and which shall commence and take Effect from the passing of this Act.

Acts to this Act.

III. And whereas a Survey has been made to ascertain the Practicability of making the said Extension of the said Canal hereby authorized to be made, and a Map or Plan, with a Reference thereto, have been made in consequence thereof, in order to shew the Line or Course of the said intended Extension, Dock, or Basin and Quay, at the Termination thereof, and the Distance from Place to Place, as far as they affect the Property of each Individual through which the same passes, and the Extent and Particulars of the Whole; be it therefore further enacted, That there shall be Two Parts made of the said Map or Plan, and the Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and One Part of each of the said Plans and Book of Reference shall be deposited with the Clerk of the Peace for the said County of *Salop*, and another with the Clerk to the said Company of Proprietors and Owners of adjoining Lands, to any of which Maps, Plans, and Books of Reference, all Proprietors shall have Liberty

Two Parts of the Map and Plan to be made and certified.

to resort and examine, or make Extracts or Copies therefrom, as Occasion shall require, paying to the said respective Clerks for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, and Books of Reference so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Twenty-one Days Notice to him given for that Purpose, shall and is hereby required from Time to Time to produce the said Map or Plan and Book of Reference to be deposited with him as aforesaid, before the Commissioners for putting in Execution the said recited Acts and this Act, or any Jury or Juries to be impanelled by virtue of either of the same Acts, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

Restraining
the Company
from deviat-
ing without
Consent.

IV. And be it further enacted, That the said Company of Proprietors, in making the said Extension of the said Canal, Dock, or Basin and Quay hereby authorized to be made, shall not deviate from the Course or Direction delineated in the said Maps or Plans, and set forth in the said Books of Reference, nor cut or carry the same additional Branch and Extension of the said Canal and collateral Cuts into, through, across, under, or over any Part or Parts of the several Lands, Grounds, or Hereditaments, now or late belonging to or reputed to belong to the several and respective Persons named or described in the said Maps or Plans respectively, and in the said Books of Reference, nor take or use for any Purpose whatsoever any Part of the said Lands, Grounds, or Hereditaments, than what lies within the Lines marked in the said Maps or Plans respectively, without the Approbation and Consent in Writing signified by the Person or Persons to whom such Lands, Grounds, and Hereditaments do or shall respectively belong; but nothing herein contained shall extend or be construed to extend to restrain or prevent the said Company of Proprietors from making any further Deviation from the said Course or Direction of the said additional Branch and Extension of the said Canal and collateral Cuts hereby authorized to be made, or any of them, in case all the Persons to whom the Lands, Grounds, or Hereditaments, to be cut through or made Use of for the Purposes of such Deviations shall belong, shall consent thereto.

Misnomers
not to pre-
vent the Exe-
cution of the
Powers of
this Act.

V. Provided always, and be it further enacted and declared, That the said Company of Proprietors shall and may make the said intended additional Branch and Extension of the said Canal hereby authorized to be made, into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, whose Name or Names shall appear to the Satisfaction of the Commissioners in the said recited Acts named, or any of them, and be by them, or any Five or more of them, certified under their Hands to have been by Mistake omitted in the said Plans or Book of Reference, or any of them, or across any Roads, Brooks, or Rivulets, which shall so appear and be certified to have been omitted by Mistake in Manner aforesaid; and also where it shall appear to the Satisfaction of the said Commissioners, and be by them, or any Five or more of them, certified as aforesaid, that instead of the Name or Names of the Owner or Owners of such Estates, Lands, or Grounds, the Name or
Names

Names of some other Person or Persons to whom such last-mentioned Estates, Lands, and Grounds do not belong, hath or have been inserted by Mistake in such Maps or Plans, and Books of Reference, any Thing herein or in the said recited Acts contained to the contrary thereof in anywise notwithstanding: Provided always, that nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Extension of the said Canal, or for making the said Dock, or Basin and Quays, or for any other of the Purposes of this Act, any Mansion House or other Buildings, or any Land or Ground set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners or Occupiers thereof respectively, other than and except a certain Stable and Yard belonging to and now in the holding of *John Trevor* Esquire, situate in the Township of *Dodington* in the Parish of *Whitchurch* aforesaid; a Messuage or Dwelling House and Yard belonging to the said *John Trevor*, and now in the Occupation of *John Acton*, situate in the Township of *Dodington* aforesaid; Part of a Garden belonging to and now in the Occupation of *Robert Harper*, situate in the Township of *Whitchurch* in the said Parish of *Whitchurch*; Part of a Garden belonging to *Edward Atcherley* Esquire, and now in the Occupation of *James Smith*, situate in the Township of *Whitchurch* aforesaid; Two Houses and Gardens, situate in the Township and Parish of *Whitchurch* aforesaid, belonging to *Samuel Turner*, and now in the several Occupations of *Benjamin Heatley* and *Aaron Dutton*.

Mansion Houses or Buildings not to be taken.

VI. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take, receive, and recover to and for their own proper Use and Behoof, for Tonnage of all Goods, Wares, Merchandizes, and Commodities which shall be navigated, carried, or conveyed upon the said Extension of the said Canal hereby authorized to be made, such and the same Sum and Sums as by the said recited Acts are authorized to be asked, demanded, taken, received, and recovered for Tonnage of Goods, Wares, Merchandizes, and Commodities to be navigated, carried, or conveyed upon the Extension of the said Canal hereby authorized to be made, and also the same Sum and Sums of Money as by the said recited Acts, or any of them, are authorized to be demanded, taken, received, and recovered for Wharfage of any Goods, Wares, Merchandizes, Matters, or other Things which may lie or remain upon any Quay or Wharf belonging to the said Extension of the said Canal; all which said Rates of Tonnage and Wharfage shall be and are hereby vested in the said Company of Proprietors, and shall be paid to such Person or Persons at such Place or Places, at or near the said intended Extension, in such Manner and under such Regulations, as the said Company of Proprietors shall from Time to Time direct and appoint; and in case of Refusal or Neglect of Payment, the same shall and may be recovered and levied in the like Manner as the Rates of Tonnage and Wharfage granted by the said recited Acts can or may be recovered or levied.

Power to take the same Tonnage Rates on the new Works as are now taken on other Parts of the Canal.

VII. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, at any General Assembly to be held in the Manner prescribed by the said recited Acts, to lessen or reduce all or any of the said Rates thereby granted, as they shall think proper,

Power to lessen Tonnage Rates.

proper, and afterwards from Time to Time, at any General Assembly, to advance and raise all or any of the said Rates so lessened to any Sum or Sums of Money, not exceeding the respective Rates granted by the said recited Acts, as often as it shall be deemed necessary for the Interests of the said Navigation.

Power to take a greater Breadth of Land for the Purposes of the said Acts and this Act than is allowed by the said Acts.

VIII. And whereas it is by the said recited Act of the Thirty-third Year of the Reign of His present Majesty enacted, that the Lands or Grounds to be taken or used for the making of the Canal and collateral Cuts thereby authorized to be made, and for the Towing-paths thereto, and the Ditches, Drains, and Sewers to separate such Towing-paths from the adjoining Lands, should not in any Place exceed Forty-five Yards in Breadth: And whereas it is found that the said Breadth of Forty-five Yards is not sufficient for the Purpose of making and completing the said Dock, or Basin and Quay; be it therefore enacted, That in all Cases where it shall appear to the said Commissioners, or any Five or more of them, that it is reasonable or necessary for the convenient making or completing of the Works last-mentioned, that a greater Breadth than Forty-five Yards of Land or Ground should be taken or made Use of for such Purpose as aforesaid, it shall be lawful for the said Company of Proprietors to take and make use of such further Width or Extent, not exceeding Twenty Yards of such Lands or Grounds, as shall so appear reasonable or necessary; the same to be purchased and paid for by the said Company of Proprietors, and the Amount of such Purchase or Consideration Money, and of the Damages to be occasioned by taking or making use of any such additional Land or Ground for the Purposes aforesaid, to be settled and ascertained, and to be paid, applied, and disposed of in like Manner, and subject to such Verdict of a Jury for fixing the Amount of such Purchase or Consideration Money, or of such Damages as by the said recited Act is directed in respect of any Lands or Grounds thereby authorized or directed to be made use of for the Purposes of the said Acts, or in respect of the Purchase or Consideration Money to be paid for the same, or the Damages to be occasioned by the taking or making use of such Lands or Grounds for the Purposes of the said Extension of the said Canal.

For paying the Expences of this Act.

IX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates incident thereto, and all other Costs, Charges, and Expences concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors out of any Money already raised by virtue of the said recited Acts, or out of the first Money that shall be raised by virtue of the said Acts and this Act.

Publick Act.

X. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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